

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DARIOUS PETERSON,

Plaintiff,

-against-

08 Civ. 4397 (LAK)

NEW YORK CITY, et al.,

Defendants.

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ORDER

LEWIS A. KAPLAN, *District Judge*.

Plaintiff moves for an award of attorneys' fees of \$31,893.70 for Mr. Lichtmayer, expenses of \$7,242.19, and, it appears, attorneys' fees of following \$66,882.44 for Mr. Gorman following plaintiff's acceptance of the City's offer of judgment in the amount of \$25,001.

The expenses sought are justified. The Court is satisfied that Mr. Lichtmayer reasonably devoted the hours for which he seeks compensation and finds that \$375 per hour is reasonable given Judge Cederbaum's holding in late 2007 that a rate of \$350 per hour was reasonable. Accordingly, the motion is granted to the extent that plaintiff seeks an award of expenses in the amount of \$7,242.19 and an award of attorney's fees in favor of Mr. Lichtmayer in the amount of \$29,947.50.

The request on behalf of Mr. Gorman is considerably more problematic. Plaintiff has provided no reasonable justification for the claimed hourly rate of \$400. There is no information concerning whether Mr. Gorman engages in any meaningful private practice, let alone any information to justify that rate. There is no evidence that the claim of hours worked is based on contemporaneous time records. The Court is concerned, moreover, about the number of hours claimed.

Accordingly, plaintiff's motion is granted to the extent that the Court awards in favor of plaintiff and against defendant The City of New York \$7,242.19 for expenses and an attorney's fee in favor of Mr. Lichtmayer in the amount of \$29,947.50. The motion is denied in all other respects, the denial being without prejudice to a renewed application on a fuller record, to be filed no later than April 20, 2009, with respect to compensation for Mr. Gorman.

SO ORDERED.

Dated: April 6, 2009


Lewis A. Kaplan
United States District Judge

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